

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
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NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULES

At its regular meetings on November 2, 2009 and February 1, 2010, the Court approved for publication and comment proposed amendments to the following Local Rules:

- LR 3.1, Civil Case Cover Sheet
- LR 9.1, Special Rules of Pleading
- LR 16.1, Pretrial Conferences
- LR 83.11, Assignment and Reassignment of Civil Cases to Judges
- LR 83.50, Bankruptcy Cases and Proceedings

In order to be assured consideration, comments in writing, which may include recommended changes to the proposed amendments, should be received by the Court not later than Friday, April 23, 2010. Comments may be sent to Local_Rules@mied.uscourts.gov or Local Rules, 814 Theodore Levin United States Courthouse, 231 W. Lafayette Boulevard, Detroit, Michigan 48226.

[Additions are indicated by underline, and deletions by strikethrough.]

LR 3.1 Civil Case Cover Sheet

Every person filing a complaint or other document initiating a civil action ~~shall be accompanied by a completed~~ must complete and file a civil case cover sheet, ~~on a form available from the Clerk.~~ If the initiating document is filed electronically, the filing user will be prompted to provide the information normally entered on the civil case cover sheet. If the complaint or other document is received without a completed civil case cover sheet, the Clerk shall accept it for filing and may enlist the cooperation of counsel or a party in a case filed pro se in completing the civil case cover sheet.

COMMENT: The Civil Case Cover Sheet is available at the Clerk's Office and the Court's web site.

LR 9.1 Special Rules of Pleading

(a) Notation of "Jury Demand" in the Pleading. If a party demands a jury trial by endorsing including it ~~on~~ in a pleading, as permitted by Fed. R. Civ. P. 38(b)(1), a

~~the party must place a notation shall be placed~~ on the front page of the pleading, to the right of the caption, stating "Demand For Jury Trial" or ~~an~~ the equivalent statement.

(b) Procedure for Notification of Any Claim of Unconstitutionality. In any action, suit or proceeding in which the United States or any agency, officer, or employee thereof is not a party and in which the constitutionality of an Act of Congress affecting the public interest is drawn in question, or in any action, suit or proceeding in which a State or any agency, officer, or employee thereof is not a party, and in which the constitutionality under the Constitution of the United States of any statute of that State affecting the public interest is drawn in question, the party raising the constitutional issue shall notify the Court of the existence of the question ~~either by checking the appropriate box on the civil case cover sheet or by~~ stating on the paper that alleges the unconstitutionality, to the right of the caption, "Claim of Unconstitutionality" or the equivalent.

~~COMMENT: At its meeting on November 1, 2004, the Court voted to abrogate the provision of the LR which required that social security numbers be set forth in the complaint. Under the E-Government Act of 2002, if an individual's social security number must be included in a paper, only the last four digits of that number may be used (i.e., xxx-xx-1234). Administrative Order 04-AO-028, filed on July 7, 2004, suspended that provision effective immediately "until such time as the notice requirements of Fed.R.Civ.P. 83(a)(1) have been fulfilled."~~

LR 16.1 Pretrial Conferences

(c) Each represented party ~~shall~~ must be represented in the pretrial conference by at least one attorney who ~~shall thereafter~~ will participate actively in the trial of the action, and who, ~~in attending the conference, shall be possessed of~~ has information and authority adequate for responsible and effective participation ~~in it~~ for all purposes, including settlement. ~~Furthermore, at all~~ At settlement conferences ~~designated as settlement conferences~~, all parties ~~shall~~ must be present, including, in the case of a party represented by an insurer, a claim representative with authority adequate for responsible and effective participation in the conference.

(f) If a timely-filed dispositive motion remains pending on the ~~tenth~~ seventh day before the scheduled date for submitting the final pretrial order, that date and the final pretrial conference shall be postponed and rescheduled to a date no earlier than ~~10~~ 7 days after the date of decision on the motion, unless otherwise directed by the judge in a particular case. Any scheduled trial date shall also be rescheduled accordingly. For purposes of this Rule, "dispositive motion" means a motion for judgment on the pleadings, for summary judgment, to certify or decertify a class, to dismiss for failure to state a claim upon which relief can be granted, or to involuntarily dismiss an action, including such a motion directed to fewer than all claims, issues or parties.

LR 83.11 Assignment and Reassignment of Civil Cases to Judges

(b) Reassignment of Civil Cases.

* * *

(7) Companion Cases.

(A) Companion cases are those cases in which it appears that:

- (i) substantially similar evidence will be offered at trial, or
- (ii) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.

(B) Counsel, including the United States Attorney, or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the civil case cover sheet or in the electronic filing system.

* * *

(c) Refiled, Dismissed and Remanded Civil Cases.

(1) If an action is filed or removed to this Court and assigned to a Judge, after which it is discontinued, dismissed or remanded to a State Court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was

refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the civil case cover sheet or in the electronic filing system.

* * *

COMMENT: ***

The Civil Case Cover Sheet referred to in (b)(7)(B) and (c)(1) is available at the Clerk's Office and the Court's web site.

LR 83.50 Bankruptcy Cases and Proceedings

(a) - (d) [Unchanged.]

(e) Submitting Papers, Records or Files to the District Court; Assigning District Judges

(1) - (2) [Unchanged.]

(3) Subject to paragraph (4), below, the district clerk will assign a civil case number to each matter submitted. The district clerk will assign all cases and proceedings arising out of a bankrupt estate to the district judge to whom the case was first assigned. If there is no prior assignment, the district clerk will assign the matter under LR 83.11.

(4) If the assigned judge believes that a bankruptcy case is one of unusual complexity, then, with the consent of the assigned judge, the chief judge may reassign to other judges of this court by blind draw subsequent cases, motions to withdraw the reference under 28 U.S.C. § 157(d), proceedings withdrawn under 28 U.S.C. § 157(d), and appeals under 28 U.S.C. § 158, arising from that bankruptcy case for the purpose of docket efficiency and to expedite the resolution of such matters. In such a case, the following case management guidelines apply:

(A) In motions and appeals, expedited briefing schedules should be ordered.

(B) Oral argument should be allowed, unless the court finds explicitly that oral argument will delay or inhibit the decision.

(C) The order or opinion deciding motions and appeals should be filed

within 28 days of oral argument.

COMMENT: In (e)(4), the chief judge and the assigned judge will consider whether the case should be treated as a companion case and reassigned pursuant to the court's companion case rule, LR 83.11(b)(7).